

Mediating Land Use Disputes

What you will do....

- Discuss and work with cases involving land development and community growth
- Link mediation theory and practice in the land use context
- Explore whether and when collaboration is an appropriate consensus building and conflict resolution tool

Exercise: Land Use Dispute on Lighthouse Point

Land Use Dispute on Lighthouse Point is a small group discussion exercise in which participants learn strategies for how to assess whether a consensus process is appropriate based on key information provided in a 'situation assessment.' Participants consider whether and how to recommend a consensus building process, and deliberate on the design of a potential process.

Exercise: Comprehensive Planning in Sweetwater County

Comprehensive Planning in Sweetwater County is a small group discussion exercise about a comprehensive land use planning case. The exercise allows participants to explore strategies for responding to common problems that emerge during consensus building processes, understand why these problems arise, and how to prevent them from emerging in the future.

Simulation: Managing Growth in Rockville

Managing Growth in Rockville is a multi-party negotiation simulation focused on the problems of growth management and comprehensive planning. The simulation is designed to demonstrate how assisted negotiation techniques can be utilized in the resolution of growth management disputes. Specifically, this simulation explores the role of the mediator as a process manager.

"As an attorney with 21 years of litigating land use disputes this course opened my eyes to the prospect that there exists a mechanism for achieving land use results without leaving blood on the floor."

– Robert S. Lynch, Attorney – *Land Use Law, Stark and Keenan, Bel Air, MD, 12/01*

"The course is a great combination of traditional learning and practical hands on exercises. The opportunity to learn from colleagues and faculty with a wide range of experience was fruitful and intellectually provocative."

– Monique Mackenzie, Senior Planner, *SRF Consulting Group, Inc., Minneapolis, MN, 11/01*

"This course provides tools that are essential for effective land use planning."

– William S. Voelker, Director of Community Planning and Development, *Town of Simsbury, CT, 11/00*

"This is a vital area of public policy and governance, particularly important in an ever-increasingly litigious society. An excellent course for all involved in land use issues."

– Ben Hamilton-Baillie, Loeb Fellow, *Harvard University, Graduate School of Design, Cambridge, MA, 11/00*

"In the vast ocean of information on ADR techniques, this course offers an anchoring for those of us promoting mediation in all types of land use disputes."

– Sean F. Nolon, Project Coordinator, *Community Leadership Alliance, Land Use Law Center, Pace Law School, White Plains, NY, 11/99*

"A terrific framework for thinking about how to work with land disputes – exceptional content!"

– Paul Mentag, Executive Director, *The Fenway Alliance, Boston, MA, 11/99*

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Mediating Land Use Disputes

November 7-8

2002

Boulder, Colorado

Announcing a professional development course on

Mediating Land Use Disputes

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7-8

2002

**University of Colorado at Boulder
Boulder, Colorado**

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and
the **consensus building institute inc.**

and



Mediating Land Use Disputes

What you will learn....

- **Sources of Land Use Disputes**
- **A Variety of Approaches to Resolve Land Use Disputes**
 - Approaches to public participation and public dispute resolution
 - The role of consensus building
- **Strategies to Assess the Situation**
 - Identifying interests and options for participation
 - Matching the process to the situation – how to tailor the public participation or dispute resolution process to the needs and interests of citizens and officials
 - When to engage and not engage in a collaborative problem solving process
- **Strategies to Design the Process**
 - Who needs to be involved?
 - What issues will be discussed?
 - What information is needed? How will you gather and analyze information?
 - How will decisions be made? What happens if you can't reach agreement?
 - How will you keep the public informed and involved?
 - Do you need a facilitator or mediator? If so, what should you look for?
 - The importance of ground rules—that is, agreeing on the desired outcomes, tasks, information needs, decision-making process, and media relations
 - Clarifying the responsibilities of the sponsor and/or decision makers
- **Strategies for Deliberating and Deciding**
 - Creating and claiming value
 - Ways to develop a common understanding of the issues and concerns
 - Techniques for generating options and building agreement
 - Managing effective meetings
 - Strategies to implement, monitor, and evaluate the agreement or outcome
- **Strategies to Respond to Common Problems**
 - Determining the roles of public officials
 - Responding to unaffiliated and unidentified Interests
 - Managing scientific and technical uncertainty
 - Dealing with difficult people
 - Responding to “closure-phobia” and implementing agreement

Co-Sponsors:

The course is conducted by the *Consensus Building Institute (CBI)*. CBI is a not-for-profit organization created by leading practitioners and theory builders in the field of dispute resolution. CBI serves public agencies and private sector clients worldwide by providing dispute resolution services, training in negotiation and consensus building techniques, and evaluative research. CBI specializes in environmental and natural resource management and also works on economic development and social service issues.

Additional Co-Sponsors:

- Colorado Office of Smart Growth
- American Planning Association, Colorado Chapter
- Center for Resource Management
- Colorado Association of Home Builders
- Colorado Association of Realtors
- Colorado Counties, Inc.
- Colorado Municipal League
- Special District Association
- The Nature Conservancy
- Trust for Public Land
- University of Colorado Real Estate Center
- National Association of Industrial and Office Properties, Colorado Chapter
- Urban Land Institute Colorado



Intended Audience

COURSE OVERVIEW

The Lincoln Institute of Land Policy, Consensus Building Institute and the Colorado Office of Smart Growth are providing an in-depth course on mediating land use disputes for non-mediators. The course is not intended to train practitioners in mediation of land use disputes. Rather, its intent is to promote the concept of alternative dispute resolution (ADR) among groups who are party to such disputes. The hope is that these techniques can lead to resolutions that are quicker, less costly and of better quality than might typically be the result of protracted, highly adversarial court proceedings.

- **Public officials** responsible for land use decisions or land use planning processes
- **Developers** interested in building public support for project proposals
- **Environmental and community action groups** involved in land use issues
- **University-level instructors** who teach land use planning
- **Other professionals**, such as **land use consultants** and **attorneys**

COURSE DEVELOPER

Dr. Lawrence Suskind
Ford Professor of Urban and Environmental Planning
Massachusetts Institute of Technology
President
Consensus Building Institute

COURSE INSTRUCTORS

Matthew McKinney
Executive Director
Montana Consensus Council
Western Consensus Council
Partner
Consensus Building Institute

Merrick Hoben
Senior Associate
Consensus Building Institute

Terry Minger
Center for Resource Management

Charlie Unseld
Colorado Office of Smart Growth

REGISTRATION

There are four easy ways to register:

Online: www.lincolnst.edu **Email:** lincolninstitute@resource-plus.com
Call: 1.888.845.8759 **Fax:** 617.385.5166

Tuition is \$200. This fee covers all sessions, lunch, refreshments and course materials.

Enrollment is limited to 50. To guarantee a place in the program, payment arrangements must be made prior to the course. A limited number of scholarships are available for organizations in need.

If you cannot attend this course, please contact us to be added to a list for future offerings of this course.

A list of accommodations and directions to the location will be provided to you upon confirmation of your registration.

Cancellation Policy: Cancellations received by October 25, 2002 will be refunded. Cancellations received after this date and “no shows” will be charged the full registration fee. Should you be unable to attend, please notify us by phone, fax, or email.

We reserve the right to cancel or reschedule this program. Registrants will be notified at the earliest possible date, and paid registration fees will be refunded in full.

PROGRAM AGENDA

Thursday, November 7

- 8:30 Registration and Continental Breakfast
9:00 **Welcome and Introductions**
Overview of Course Purpose and What You Will Learn
Review of Agenda and Materials
- 9:30 **Sources of Land Use Disputes – a facilitated discussion**
9:45 **Consensus Building: A Framework for Resolving Land Use Issues**
Exercise # 1 “What Do We Mean by Consensus ?”
Consensus Building: Essential Steps
The Place of Consensus Building Among Other Public Processes
- 10:15 **Assessing the Situation and Designing the Forum**
Purpose – Identify Interests and Options
How to Conduct an Assessment
Checklist to Determine if Consensus Building is Appropriate
Exercise #2: Land Use Dispute on Lighthouse Point
- 12:00 Lunch
1:00 **Facilitating the Process and Responding to Common Problems**
Exercise #3: Comprehensive Planning in Sweetwater County
 1. Representation and The Role of Public Official
 2. Dealing with Difficult People – The Grandstander
 3. Managing Scientific and Technical Uncertainty
 4. Reaching Closure and Implementing Agreements
- 2:30 Break
2:45 **Applications in the West**
Building Agreement on Land Use in the Rocky Mountain West
Terry Minger, Center for Resource Management
Charlie Unseld, Colorado Office of Smart Growth
Discussion
- 4:15 **Deliberating and Deciding**
Creating and Claiming Value
Introduction to *Exercise #4: Managing Growth in Rockville*
Hand Out Role Assignments and Confidential Instructions
Review Roles and Responsibilities of Facilitators and Mediators
- 5:00 Adjourn and Prepare for Next Day Simulation

Friday, November 8

- 8:30 **Open Discussion and Review Key Points from Day 1**
9:30 *Exercise #4: Managing Growth in Rockville*
Informal break
- 11:00 **Debrief *Managing Growth in Rockville***
Strategies to Open
Strategies to Narrow and Focus Issues
Obstacles
Strategies to Finalize Agreement
- 12:00 Lunch
1:00 **Problem Solving Clinic**
Informal Break
- 4:30 **Closing Thoughts & Complete Course Evaluations**
5:00 Adjourn

Lincoln Institute of Land Policy is a nonprofit and tax-exempt educational institution established in 1974 to study and teach land policy, including land economics and land taxation. By supporting multidisciplinary education, research and publications programs, the Institute brings together diverse points of view to improve the quality of debate and expand the body of useful knowledge in two departments—Valuation and Taxation, Planning and Development—and in the Program on Latin America and the Caribbean.

The Lincoln Institute is an equal opportunity institution in employment and admissions.